

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2005 FEB 24 P 12:44

STEPHEN JOHN CASEY, SR.,

Petitioner,

v.

STEVEN O'BRIEN,

Respondent.

Civil Action No. 04-11940-PBS

**RESPONDENT'S MOTION FOR AN ENLARGEMENT
OF TIME WITHIN WHICH TO FILE BRIEF IN OPPOSITION TO PETITION**

The Respondent, Steven O'Brien, in his capacity as Superintendent of the North Central Correctional Institute at Gardner, Massachusetts (the "Respondent"), hereby respectfully moves this Court to enlarge until March 21, 2005 the time in which he must file a brief in opposition to the petition for a writ of habeas corpus (the "Petition") filed by Petitioner Steven John Casey, Sr. (the "Petitioner"). The Respondent's brief is currently due on February 28, 2005. In support of this Motion, the Respondent states as follows:

1. The Petition arises from a 1999 conviction in the New Bedford, Massachusetts, Superior Court.
2. The Petition includes serious allegations and references complex areas of law.
3. The Petitioner's brief in support of his Petition was originally due on January 27, 2005. The Petitioner's Motion to extend his deadline by one month was granted by this Court on January 25, 2005. The Petitioner filed his brief on January 31, 2005.
4. The Respondent has filed a Motion to Dismiss the Petition on the grounds that the Petitioner failed to satisfy the statutory requirement that he fully exhaust state remedies prior to

filing his Petition. The Petitioner has been ordered by this Court to respond to the Motion to Dismiss by March 5, 2004.

5. Allowance of the instant Motion will enable the Respondent, in preparing his brief, to take into account the arguments advanced by the Petitioner in opposition to the Motion to Dismiss.

6. Additionally, counsel for the Respondent has not yet obtained the transcripts of the Petitioner's Bristol County trial from the Bristol District Attorney's Office, despite having requested such transcripts in early December, 2004. Given that the Petitioner challenges, *inter alia*, the sufficiency of the evidence offered against him in his Bristol County trial, it is important for the Respondent to obtain such transcripts and have sufficient time to review them in preparing his brief.

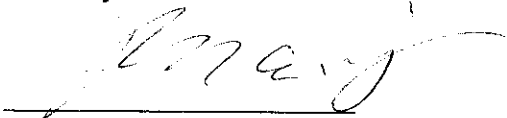
7. No previous application for an enlargement of time within which to file the Respondent's brief has been made to this Court.

8. Allowance of this Motion will enable counsel for the Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, the Respondent requests that this Court enlarge the time in which he must file his brief in opposition to the Petition until March 21, 2005.

Respectfully submitted,

THOMAS F. REILLY
Attorney General



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Dated: February 24, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on February 24, 2005, by first-class mail, postage prepaid, upon:

Stephen John Casey, Sr.
W-67232
North Central Correctional Institute
500 Colony Road
P.O. Box 466
Gardner, MA 01440

pro se



Randall E. Ravitz